

INITIAL STATEMENT OF REASONS

Vehicle Code section 16070 specifies that the department shall suspend the driving privilege of a driver involved in an accident who fails to provide evidence of financial responsibility, as specified, for the accident. Certain driver license restrictions are authorized by statute to allow suspended drivers to operate vehicles under certain conditions when an application, proof of insurance and a fee has been submitted to the department.

Vehicle Code section 16072 authorizes a driver license restriction for the following purposes: travel to and from employment; travel to perform employment duties; and travel to transport a minor dependent to and from school.

Vehicle Code section 16073 exempts the driver license of a person from suspension when employment requires the operation of a motor vehicle as part of a person's job duties if the vehicle is not registered in the driver's name. AB 3049 (Comm. Transportation, Ch 952, Stats 2004) amended Vehicle Code section 16073 to specifically prohibit drivers with commercial driver licenses from eligibility for this restriction, effective September 20, 2005.

Vehicle Code section 16077 authorizes a restriction to enable a driver to travel to and from medical and/or mental health treatments if the driver or an immediate family member has a serious health condition.

The Legislature enacted AB 3049 to comply with the federal commercial driver licensing program contained in Title 49 of the Code of Federal Regulations. Vehicle Code section 16073 prohibits the issuance of a restricted license when the driver license is commercial. Although the Vehicle Code is silent on the issuance of the school and medical restriction, Part 384.210 in Chapter III, of Title 49 of the Code of Federal Regulations states that a state must not knowingly issue a commercial license (even temporary or provisional) when the driving privilege has been suspended. No restrictions are authorized in the federal regulations.

The proposed regulatory action will amend Sections 77.05, 77.10, 77.15, 77.16 and 77.17 in Article 2.3, Division 1, Chapter 1 of Title 13 of the California Code of Regulations, in order to comply with federal regulations and California statutes. This regulatory action will specify the newly revised restricted license application form and clarify the class of driver license prohibited from eligibility for the restrictions.

Section 77.05 Restricted License Requirements.

In subdivision (a) of Section 77.05 the word "California" is added to "Code of Regulations" so that the reference is not confused with the federal code of regulations.

Subdivision (b) is amended to specify who is eligible for the restrictions. As California statute has changed and a commercial licensed driver is prohibited from eligibility, this section is necessary to clarify the types of driver license that are not eligible for the restricted license and to identify the appropriate version of the restricted license application form required to apply for the restriction(s).

Section 77.10 Application for a Driver License Restriction.

The section is amended to add “California” to the “Code of Regulations,” identify the newly revised application form required when applying for the restrictions, delete the form as it appears in Title 13 and incorporate the form by reference. This section specifies the new revision date so that the affected public can easily determine the appropriate form. The form requirements are described in the previous rulemaking file for this section (OAL file no. 00-0517-06 S). The only change to the form is the form name change and the addition of a statement on the reverse that drivers with commercial type licenses are no longer eligible.

Section 77.15 Employment Restriction.

The section is amended to include the revised form and to clarify the types of driver license that are not eligible for the restricted license. Under Vehicle Code section 16073, commercial drivers are prohibited when their licenses are suspended from operating a commercial motor vehicle during the course of employment.

Section 77.16 School Transportation Restriction.

The section is amended to include the proposed form and to add quotation marks to more easily identify the term being defined.

Section 77.17 Medical Treatment Restriction.

The section is amended to include the proposed form and to add quotation marks to more easily identify the term being defined.